

FINAL BILL REPORT

ESHB 2302

C 42 L 12
Synopsis as Enacted

Brief Description: Concerning being under the influence with a child in the vehicle.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Goodman, Warnick, Kenney, Kagi, Liias, Orwall, Billig, Hasegawa, Finn, Kelley, Rodne, Moeller, Dammeier, Reykdal, Van De Wege, Maxwell, Tharinger, Sells, Jinkins, Hurst, Green, McCoy, Smith, Pearson, Appleton, Darneille, Hunt, Fitzgibbon, Miloscia, Zeiger, Ryu, Stanford, Johnson and Seaquist; by request of Washington State Patrol).

House Committee on Judiciary
House Committee on General Government Appropriations & Oversight
Senate Committee on Judiciary

Background:

The state's drunk driving laws have a number of penalty enhancements for individuals convicted of driving or being in physical control of a motor vehicle under the influence of intoxicating liquor or any drug (DUI). Two enhancements apply to individuals arrested and convicted of DUI when there is a minor passenger in the vehicle.

First, a law enforcement officer must notify Child Protective Services when arresting a driver for DUI, a child under the age of 13 is in the vehicle, and the driver is the child's parent, guardian, or legal custodian.

Second, if a person who is convicted of DUI committed the offense while a child under the age of 16 was in the vehicle, the court must order the person to use an ignition interlock device on his or her vehicle for an additional 60 days on top of the mandatory ignition interlock requirement already applicable for a DUI conviction.

Summary:

The following enhancements apply when an individual is arrested or convicted of DUI with a child under the age of 16 in the vehicle:

Gross Misdemeanor and DUI-related Felonies.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

At the time of arrest, law enforcement must note that a child under the age of 16 was present in the vehicle.

At the time of arrest, law enforcement must notify Child Protective Services when there was a child under the age of 16, rather than 13, in the vehicle and the person arrested is the child's parent, guardian, legal custodian, sibling, or half-sibling.

The amount of additional time that an individual must have an ignition interlock installed is increased from 60 days to six months.

Gross Misdemeanor DUI Only.

If an individual is convicted of a gross misdemeanor DUI with a child under the age of 16 in the vehicle, additional monetary penalties are assessed based on the individual's prior convictions as follows:

- no prior offenses - minimum of \$1,000 and maximum of \$5,000;
- one prior offense - minimum of \$2,000 and maximum of \$5,000; and
- two or three prior offenses - minimum of \$3,000 and maximum of \$10,000.

DUI-related Felonies Only.

If an individual is convicted of a felony DUI, Vehicular Assault DUI, or Vehicular Homicide DUI and had a child under the age of 16 in the vehicle at the time of the offense, an enhanced sentence of 12 months for each child in the vehicle is added to the individual's standard sentence. If the sentence exceeds the statutory maximum, the portion of the sentence that is related to having a minor child in the vehicle may not be reduced.

Votes on Final Passage:

House	98	0	
Senate	49	0	(Senate amended)
House	95	0	(House concurred)

Effective: June 7, 2012